

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CLAIRMONT MELVILLE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 2:06-cv-992

CRIM. NO. 2:91-cr-023

JUDGE GRAHAM

MAGISTRATE JUDGE KING


OPINION AND ORDER

On January 4, 2007, the Magistrate Judge issued a *Report and Recommendation* recommending that petitioner's Rule 60(b) motion be construed as a successive §2255 petition and transferred to the United States Court of Appeals for the Sixth Circuit for authorization for filing. Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED AND AFFIRMED**. This case is **TRANSFERRED** to the United States Court of Appeals for the Sixth Circuit.

IT IS SO ORDERED.

Date: January 29, 2007



JAMES L. GRAHAM
United States District Judge